

**DURHAM, NORTH CAROLINA
MONDAY, MAY 6, 2002
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Mayor Bell read a proclamation declaring May 6-10, 2002 as "*Disability Awareness Week*." Angela Langley thanked the community for providing employment opportunities for persons with disability.

Also, the Mayor read a proclamation recognizing May 5-11, 2002 as "*Drinking Water Week*" and presented certificates to the following 2002 Water Conservation Poster Contest winners: Grades K-2: 1st Place - Maya Sugg; 2nd Place – Simone Simpson & Secolia Bishop; 3rd Place – Deborah Wearing & Bryania Borland. Grades 3-5: 1st Place – Jayvon Johnson; 2nd Place – Michelle Collins; 3rd Place – Jawan Wilson. Grades 6-8: 1st Place – Ping Niou; 2nd Place – Melanie Watkins; 3rd Place – Tessa Guze. Also, state-wide winners were: Grades K-2: 3rd Place - Maya Sugg; Grades 3-5: 2nd Place – Michelle Collins and Grades 6-8: 3rd Place – Ping Niou.

Mayor Bell asked for priority items from the City Manager, City Attorney and City Clerk.

Relative to GBA #20 [2002 Legislative Program], City Manager Conner 1) requested Resolution Requesting That Municipal Revenue Sources Be Made Secure be added to the 2002 Legislative agenda at the request of the Coalition and NCLM; 2) provided additional handout for Consent Agenda Item #24 [2002-03 Consolidated Action Plan]; 3) requested an item be added to the agenda at the request of Council Member Stith and TJCOG [Resolution Endorsing a FTZ Subzone Application for General Electric Aircraft Engines]; and 4) distributed by-laws and resolution establishing an Audit Services Oversight Committee for Consent Agenda Item #35 [Internal Audit Function].

City Attorney Blinder requested a closed session concerning an attorney-client consultation after the regular meeting of Council.

SUBJECT: CLOSED SESSION – CITY OF DURHAM v. SHREE JEE CORPORATION, ET AL

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to go into a closed session after the regular meeting of Council to discuss an attorney-client consultation regarding the case of City of Durham v. Shree Jee Corporation, et. al pursuant to G.S. 143-

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318.11(a)(3) was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Stith seconded by Council Member Cole-McFadden to add an item to the agenda [FTZ Subzone Application for General Electric Aircraft Engines] was approved at 7:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

City Clerk Gray informed Council of a valid protest petition filed against GBA Item #45 [Rezoning Case: P01-41—Millridge Companies].

Mayor Bell welcomed Council Member Edwards back from being out on medical leave.

Council Member Cole-McFadden introduced Sherry DeVries as the new Executive Director of the Durham Arts Council; announced her attendance at Durham Community Choir's first taping held at Union Baptist Church on Saturday; noted Council needs to create a mechanism for the City Manager's evaluation; commented on having youth involvement on Council Boards, Committees and Commissions. Finally, she asked Council to make a statement to *Good Morning America* relative to leaving North Carolina Central University off their tour.

Council Member Clement noted *Good Morning America* has communicated with NCCU expressing concern and will get in back in touch with them to remedy oversight.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to authorize Council Member Clement to draft a resolution in support of North Carolina Central University and other historically minority colleges and universities in the region in their protest to *Good Morning America* for discussion at the May 9, 2002 City Council Work Session was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Pro Tempore Cheek commented on his attendance at Earth Day, gave a summary on the Inter-City 100 Summit attended April 24th in Boston and noted he attended an event held at NCCU honoring retirees and long-time service employees.

Mayor Bell reported on his recent trip to Ottawa, Canada regarding the bus and light rail system and encouraged Council to attend the "*Water Summit*" on May 16 at 4:00 p.m. at the Orange County's Southern Human Services Center on Homestead Road in Chapel Hill. Also, the Mayor informed the public that the Housing Impact Policy is not on the agenda for discussion tonight; however, this issue would be discussed at the May 9, 2002 City Council Work Session and May 20th City Council Meeting.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. The following items were pulled from the Consent Agenda: Item # 7 [Bay Pointe Subdivision], #23 [2001-02 Consolidated Action Plan], #24 [2002-03 Consolidated

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Action Plan]; #25 [SprintCom, Inc.]; #27 [Police Substation #3]; #28 [Sandy Creek Trail – Phase I]; #29 [Butterfly Garden – Durham Central Park]; #30 [Durham Baseball Club], and 35 [Internal Audit Function].

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

- a) **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the official City Council minutes for the following meetings was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

January 30, 2002 - Joint Meeting of City Council, County Commissioners and School Board;
March 4, 2002 - Regular Meeting; and,
March 18, 2002 - Regular Meeting

- b) **MOTION** by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the official City Council minutes for the following closed sessions was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

January 10, 2002 and January 24, 2002

SUBJECT: DURHAM AREA TRANSIT AUTHORITY - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Ethel Keen to fill one (1) vacancy for a REGULAR MEMBER. The term will expire March 1, 2005 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM AREA TRANSIT AUTHORITY - REAPPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Joyce Young Evans and Donna K. Frederick to the Durham Area Transit Authority as Regular Members for terms to expire March 1, 2005 was approved at 7:44 p.m. by the following vote:

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Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CITIZENS ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Aasin Inshirah and Anthony Humphries to fill two (2) vacancies for City Wide Members, with terms expiring June 30, 2003 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CITY-COUNTY APPEARANCE COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill three (3) vacancies. Two terms will expire April 1, 2004 and one term will expire April 1, 2005 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SITE PLAN - SUTTON STATION - PHASE V

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for "Sutton Station, Phase V", submitted by R.L. Horvath Associates, Inc. on behalf of Ticon, Inc., consisting of four buildings totaling 45,600 square feet of office space and eight apartment units on 2.44 acres, zoned OI-2, located on the west side of Fayetteville Road, south of Woodcroft Parkway, and north of N.C. 54. (Tax Map 522-02-003), (PIN 0729-03-00-7100), (City Atlas Page 43, Sections A-2 and A-3) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SITE PLAN - ALEXAN PLACE - PHASE II

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for "Alexan Place , Phase II", submitted by Kimley Horn and Associates, Inc., on behalf of Trammell Crow Residential, consisting of a 228 multi-family residential development on 16.625 acres, zoned NC(partial), RM-12(partial), RM-20(partial), located on the west side of Martin Luther King, Jr. Parkway, north of University Drive, south of U.S. 15-501. (Tax Map 465-01-001,001A, 001B, and 001E), (PIN 0800-02-95-0649,0800-02-96-2160,5026 and 0810-01-06-1073) (City Atlas Page 27, Section D-1 and Page 28, Section A-1) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: MAJOR SITE PLAN APPROVAL - "DUKE UNIVERSITY PARKING GARAGE IV"

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for a five-story, 44,500 square foot parking garage and a one-story, 5,500 square foot Theater Studies Addition to the existing Bryan Center, on a +3.97 acre portion of the Duke campus. The proposed buildings will be located east of Science Drive (private), north of Towerview Drive (private) and adjacent to the Bryan Center within Duke University's West Campus. (Tax reference 106-1-1 (part); PIN #s 0811-11-66-2281 (part); City Atlas Page 22, Block C-2) was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STREET CLOSING: SC01-6, ALEXANDER AVENUE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution declaring the intent of the City Council to consider permanently closing 642.73 linear feet (25,712 square feet) of Alexander Avenue; and

To set a public hearing for May 20, 2002, to consider permanently closing 642.73 linear feet (25,712 square feet) of Alexander Avenue was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8854

SUBJECT: STREET CLOSING: SC01-7, OREGON STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution declaring the intent of the City Council to consider permanently closing 861.29 linear feet (34,477 square feet) of Oregon Street; and

To set a public hearing for May 20, 2002, to consider permanently closing 861.29 linear feet (34,477 square feet) of Oregon Street was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ESTIMATED ANNUAL REQUIREMENTS FOR AGGREGATES - HANSON AGGREGATES - CAROLINA SUNROCK CORPORATION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the bid from Hanson Aggregates in the amount of \$150,077.50 for providing the City with its Estimated Annual Requirements for Aggregates (Section I - Aggregates Delivered and Section III – Special Aggregates Delivered). To authorize the City Manager to enter into a contract with Hanson Aggregates in the amount of \$150,077.50 for providing the City with its Estimated Annual

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Requirements for Aggregates (Section I – Aggregates Delivered and Section III – Special Aggregates Delivered). To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract; and

To accept the bid from Carolina Sunrock Corporation in the amount of \$61,010.00 for providing the City with its Estimated Annual Requirements for Aggregates (Section II – Aggregates – Picked-Up); and

To authorize the City Manager to enter into a contract with Carolina Sunrock Corporation in the amount of \$61,010.00 for providing the City with its Estimated Annual Requirements for Aggregates (Section II – Aggregates – Picked-Up); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. Voyager Place at Country Club Drive, southwest corner
2. Red Cedar Circle at Loblolly Drive, south intersection, southwest corner
3. Glasson Street at Morreene Road, southwest corner
4. Holton Street at Glasson Street, northeast corner
5. Holton Street at Mordecai Street, southwest corner
6. Mordecai Street at Morreene Road, southwest corner
7. Nation Avenue at Rock Cottage Court (private), southwest corner
8. Pierre Place at Marquis Drive, northwest corner
9. Falls Circle (private) at Lakeshore Drive, northwest corner
10. Cedar Hill Drive (private) at Lakeshore Drive, northwest, northeast and southeast corners
11. Great Oak Court (private) at Lakeshore Drive, southwest corner
12. Scottish Lane (private) at University Drive, southeast corner
13. Saxford Place at Carlton Crossing Drive, southeast corner

Ordinance #12548

SUBJECT: STOP SIGNS - AUBURN SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances to repeal the following ordinances was approved at 7:44 p.m. by the

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following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Ordinance #12062 (Item 4), adopted September 18, 2000, authorizing a stop sign on Pebble Creek Crossing at Auburn Village Drive, northeast corner; and
- b) Ordinance #12254 (Item 6), adopted March 19, 2001, authorizing stop signs on Mallory Lane at Pebble Creek Parkway, northeast and southwest corners; and
- c) Ordinance #12268, adopted April 16, 2001, authorizing stop signs 1) on Chownings Street (private) at Mallory Lane, southwest corner; 2) on Brafferton Court (private) at Mallory Lane, southwest corner (west intersection); 3) on Brafferton Court (private) at Mallory Lane, southwest corner (east intersection); and
- d) Ordinance #12389 (Item 1), adopted September 4, 2001, authorizing a stop sign on Mallory Lane (private) at Pebble Creek Crossing, southwest corner.

Ordinance # 12549

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Auburn Square Drive (private) at Pebble Creek Crossing, southwest corner;
- b) Mallory Lane (500 block) at Pebble Creek Crossing (900 block), northeast corner;
- c) Pebble Creek Crossing (1500 block) at Mallory Lane (900 block), northwest corner;
- d) Mallory Lane (1100 & 1200 blocks) at Pebble Creek Crossing (1200 & 1300 blocks), northeast and southwest corners;
- e) Brafferton Court (private) at Mallory Lane (west intersection), northwest corner;
- f) Brafferton Court (private) at Mallory Lane (east intersection), northwest corner;
- g) Chownings Street (private) at Mallory Lane, northwest corner;
- h) Basset Hall Drive (private) at Mallory Lane (west intersection), southeast corner;
- i) Basset Hall Drive (private) at Mallory Lane (east intersection), southeast corner;
- j) Snyder Street at Pebble Creek Crossing, southeast corner;
- k) Snyder Street at Mallory Lane, northwest corner;
- l) Newgate Court at Pebble Creek Crossing, southeast corner
- m) Auburn Village Drive at Woodcroft Parkway, southeast corner.

Ordinance #12550

SUBJECT: STOP SIGNS - GRANDALE PLACE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the following ordinances was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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1. To repeal Ordinance #12441 (Item 4), adopted November 5, 2001, authorizing stop signs on Goldenview Court at Park Glen Place, southeast and northwest corners; and
2. To authorize the installation of stop signs on Goldenview Court at Park Glen Place, southeast and northwest corners.

Ordinance # 12551 - 12552

SUBJECT: SPEED LIMIT - LAKESHORE DRIVE - CHARLES STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to establish 25 Mph speed limit on the following streets was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

1. Lakeshore Drive from Tahoe Drive to Woodcroft Parkway; and
2. Charles Street from Cornwallis Road, north to South Roxboro Street

Ordinance #12553

SUBJECT: SETTING PUBLIC HEARINGS FOR ASSESSMENT ROLLS – YORKSHIRE DRIVE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt resolutions setting public hearings for May 20, 2002 for the following assessment rolls was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Sewer Main on Yorkshire Drive - From South Property Line of Tax Map 768-2-6B To North Property Line of Tax Map 768-2-6.

Water Main on Yorkshire Drive - From South Property Line of Tax Map 768-2-6B To North Property Line of Tax Map 768-2-6.

SUBJECT: STREET ACCEPTANCE – CHANCELLOR’S RIDGE (PHASE I) – TRINITY HEIGHTS – WAYNE STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept certain streets in Chancellor's Ridge (Phase I), Trinity Heights, Wayne Street, as listed, for maintenance by the City of Durham was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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Chancellor's Ridge - Phase I

- 1) Chancellor's Ridge Drive – from the east curb line of NC Hwy 751 east then north to end of PH I construction @ STA 23+92 (2,372), and
- 2) College Avenue – from the centerline of Chancellor's Ridge Drive north to the end of PH I construction @ STA 2+00 (200'), and
- 3) Tenure Circle – from the centerline of Chancellor's Ridge Drive around to the centerline of Chancellor's Ridge Drive (396'), and
- 4) Trustee Street – from the centerline of Chancellor's Ridge Drive around to the centerline of Chancellor's Ridge Drive (395'), and
- 5) Collegiate Circle – from the centerline of Chancellor's Ridge Drive south to the end of PH I construction @ STA 1+85 (185'), and
- 6) Collegiate Circle – from the centerline of Chancellor's Ridge Drive south to the end of PH I construction @ 9+19 (185'), and
- 7) Alumni Avenue – from the centerline of Chancellor's Ridge Drive west then north thru the cul-de-sac (1,172'), and
- 8) Graduate Court – from the centerline of Chancellor's Ridge Drive west to the end of PH I @ STA 6+89 (689'), and
- 9) Alley "A" – from the centerline of Chancellor's Ridge Drive south then east to the centerline of Alley "B" (663'), and
- 10) Alley "B" – from the centerline of Chancellor's Ridge Drive south to the centerline of Alley "A" (288'), and
- 11) Alley "C" – from the centerline of College Avenue west to the end of construction @ STA 5+99.98 (567'), and
- 12) Alley "E" – from the centerline of Chancellor's Ridge Drive north then east to the centerline of Trustee Street (378'), and
- 13) Alley "F" – from the centerline of Collegiate Circle east to the centerline of Collegiate Circle (250'.)

Trinity Heights

- 1) Alley "A" – from the north curb line of Markham Avenue north to the south curb line of Green Street (720'), and
- 2) Alley "B" – from the south curb line of Green street south to the pre-existing alleyway (341'.)

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Additional Street

- 1) Wayne Street – from the centerline of Ebon Road east to the centerline of Wortley Drive (1,217’.)

SUBJECT: LICENSE AGREEMENT WITH MORIAH, L.L.C. - IRRIGATION SYSTEM - MT. MORIAH ROAD AND LADLE DRIVE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a license agreement with Moriah, L.L.C. for an irrigation system in Mt. Moriah Road and Ladle Drive was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JANUARY 1, 2002

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Administration on the voluntary annexation petitions; and

To accept the City Clerk’s certification of 100% ownership as required by NC General Statutes 160A-31 and 160A-58; and

To adopt resolutions establishing public hearings for May 20, 2002 on the following submitted voluntary petition annexation was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Southpoint Village
Hebron Road
Glennstone Subdivision
Cooksbury Drive

Resolution #8855 – 8856 - 8857 - 8858

SUBJECT: ANNUAL INSURANCE PLAN FISCAL YEAR 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to purchase insurance, for an estimated amount of \$514,000, in accordance with the annual insurance plan for the fiscal year 2003 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: PROPOSED PROPERTY EXCHANGE WITH ANTHONY H. JONES

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution to approve the land exchange with Anthony H. Jones of approximately 1.1625 acres of city-owned property, Tax Map 934-01-006C, in exchange for approximately 1.1625 acres of Anthony H. Jones property, Tax Map 934-01-013E and authorize the conveyance of the city-owned property to Anthony H. Jones was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8859

SUBJECT: N. C. CONSERVATION EASEMENT OPTION AGREEMENT - FOREST HILLS PARK – STREAM RESTORATION PROJECT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to sign the North Carolina Conservation Easement Option Agreement for the stream restoration project in Forest Hills Park was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT WESTFIELD HOMES OF NORTH CAROLINA, INC. - LYONS FARMS, PHASE II

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a Water Extension Agreement with Westfield Homes of North Carolina, Inc. to extend City water to serve Lyons Farms, Phase II, a proposed 10 lot, 6.27 acre, residential subdivision located on the north side of Scott King Road east of Herndon Road was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACT SR-32 PARKWOOD SANITARY SEWER CLEANING AND TELEVISION INSPECTION - CLEAN BAY WATER JET SERVICE, INCORPORATED

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute a contract with Clean Bay Water Jet Service, Incorporated in the amount of \$100,950; and

To establish a contingency fund for the Parkwood Sanitary Sewer Cleaning and Television Inspection project of \$35,000; and

To authorize the City Manager to negotiate change orders for Contract SR-32 Parkwood Sanitary Sewer Cleaning and Television Inspection provided that the cost of all change orders does not

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exceed \$35,000 and the total project cost does not exceed \$135,950 was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: FEDERAL AVIATION ADMINISTRATION GRANT OFFER –
RALEIGH-DURHAM AIRPORT AUTHORITY - SECURITY**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the Federal Aviation Administration grant offer of \$711,486 as reimbursement for additional security operational costs incurred since September 11, 2001; and

To authorize the City Manager to execute the Grant Agreement and to authorize the City Attorney to give assurances with respect thereto was approved at 7:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: BAY POINTE SUBDIVISION - SITE PLAN

To approve a site plan for Bay Pointe Subdivision submitted by Withers and Ravenel Engineering and Surveying, Inc., on behalf of Tucker Development, Inc., for 128 single-family residential lots and open space on a 37.01+ acre site, zoned PDR 10. The site is located on the south side of Martin Luther King Jr. Parkway, east of Cook Road and west of Fayetteville Road. (Tax reference 513-01-06, 514-05-08, 09,16; PIN 0729-01-37-7678, 0729-02-57-3271, 0729-02-57-6414, and 0729-02-58-5466; City Atlas Page 37, Block B-1, B-2, C-1 and C-2).

Mayor Bell raised a concern with this item noting he could not support anything along the Martin Luther King Jr. Parkway until he is assured there would be no overhead utilities.

Steve Medlin, of the Planning Department, noted the developer has submitted a plan which meets the minimum code standards. Also, he noted on-site utilities would be installed under ground and it is simply the main feed coming to the developer's project which is not under his control that is in question.

Lee Murphy, of the Public Works Department, noted the City can control Duke Power from installing a line in the right-of-way; however, there has been no discussion with them on the electrical service.

Steve Medlin, of the Planning Department, made comments about the existing easement that has been created as a result of a project approved two years ago immediately across MLK. Also, he noted the developer, James Tucker, verified that the project would simply run from the existing utility line under ground to serve the project.

Mayor Bell asked staff does Council have assurances that this development will not require utilization of any overhead utilities and phones.

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Steve Medlin, of the Planning Department, replied that's correct and all utilities must be underground unless the applicant can demonstrate to the satisfaction of the City that installing those utilities underground would be unfeasible based on site conditions and in this case, he noted it should not be an issue.

Lee Murphy, of the Public Works Department, made comments about the discussion Duke Power had with the previous Council.

Council held discussion on rezoning process.

Mayor Bell requested a meeting with Duke Power on mitigating overhead utilities along Martin Luther King Jr. Parkway and directed the Planning Director to provide an overlay zone for the Martin Luther King Jr. Parkway.

MOTION by Council Member Clement seconded by Council Member Stith to approve a site plan for Bay Pointe Subdivision submitted by Withers and Ravenel Engineering and Surveying, Inc., on behalf of Tucker Development, Inc., for 128 single-family residential lots and open space on a 37.01+ acre site, zoned PDR 10. The site is located on the south side of Martin Luther King Jr. Parkway, east of Cook Road and west of Fayetteville Road. (Tax reference 513-01-06, 514-05-08, 09,16; PIN 0729-01-37-7678, 0729-02-57-3271, 0729-02-57-6414, and 0729-02-58-5466; City Atlas Page 37, Block B-1, B-2, C-1 and C-2) was approved at 7:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ADOPTION OF THE AMENDMENT TO THE FISCAL YEAR 2001-2002
CONSOLIDATED ACTION PLAN**

Victoria Peterson, of P. O. Box 101, raised a concern about Golden Belt facility noting funds could be used for another program since this facility will be receiving money from HUD.

MOTION by Council Member Clement seconded by Council Member Stith to adopt the Amendment to the FY 2001-2002 Consolidated Action Plan was approved at 8:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ADOPTION OF THE FISCAL YEAR 2002-2003 CONSOLIDATED
ACTION PLAN**

To adopt the FY 2002-2003 Consolidated Action Plan for submission to the U.S. Department of Housing and Urban Development; and

To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all Community Development Block Grant and HOME Investment Partnership Program agreements and other Annual Action Plan documents; and

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To adopt Grant Project Ordinances for FY 2002-2003 Community Development Block Grant (CDBG) and HOME funds.

Darryl Beasley, representing CAC, spoke in support of staff's recommendation of Option B.

James Reingruber, representing CAC, raised a concern with funds being allocated for the demolition of the Woolworth's building.

Nancye Bryan, representing the National Alliance for Mentally Ill and Next Step Housing, expressed concern that her organization did not receive funding.

Council Member Cole-McFadden asked staff about the criteria for ranking.

Charlene Montford, Housing & Community Development Director, made comments on how this public service agency ranked #10 and stated the case manager position would be better served as a County function.

Council Member Clement urged Ms. Bryan to make a request for funding to the County Commissioners.

Council Member Cole-McFadden asked staff about the Walltown Recreation Center renovation.

Charlene Montford, Housing & Community Development Director, noted the Walltown Association has agreed to meet with staff within the next two weeks and staff has pledged to the community to find funds to do a study.

Council Member Edwards asked staff what was the allocation for Housing Code Enforcement in the past.

Charlene Montford, Housing & Community Development Director, replied \$301,000.

Council Member Edwards noted the enforcement of the housing code should be more effective and requested staff to provide a progress report.

Council Member Best requested staff to provide the location of lot improvements for Habitat for Humanity to make sure they are not in the Hope VI area.

Council Member Clement recognized members of the Citizens Advisory Committee.

Victoria Peterson, of P. O. Box 101, made comments about HOME funds.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt the FY 2002-2003 Consolidated Action Plan [including Option B – Community Development Block Grant (CDBG) allocations] for submission to the U.S. Department of Housing and Urban Development; and

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To authorize the City Manager to execute all administrative requirements and contractual documents necessary for implementation of the Annual Action Plan to include all Community Development Block Grant and HOME Investment Partnership Program agreements and other Annual Action Plan documents; and

To adopt Grant Project Ordinances for FY 2002-2003 Community Development Block Grant (CDBG) and HOME funds was approved at 8:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12554 - 12555

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

OPTION B

Total Allocation

\$ 1,877,000 + \$ 275,000 (Program Income) + \$ 123,000 (Commercial Loan
Pool Repayment to HUD) = \$ 2,275,000

Activity	Dollar (\$) Amount
Planning and Administration (20% Cap)	445,400
Barnes Avenue Infrastructure Improvements (1 st Yr. Commitment Funding)	153,000
Center For Employment Training Tuition Program	45,000
City of Durham Fire Department Smoke Detector Installation	5,000
Commercial Loan Pool	225,000
Community Relations	125,000
Development Ventures Inc. Golden Belt Window Replacement (2 nd Yr. Commitment Funding)	100,000
Development Ventures, Inc. Section 8 Homeownership Coordinator	35,000
Durham Affordable Housing Coalition Homeowner Education	45,000
Durham Community Land Trustees, Inc. Construction Manager	40,000
Durham County Habitat For Humanity Lot Improvements (NECD)	56,040
Good Work Small Business Start-Up and Expansion	50,000
Housing Code Enforcement	322,560
Murphy Street Development – Phase I Eagle Village CDC (2 nd Yr. Commitment Funding)	164,000
Neighborhood Infrastructure Improvements	200,000

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Operation Breakthrough Weatherization Assistance	75,000
Relocation Activities	65,000
Woolworths Building Demolition	100,000
Youth Life and Community Foundation Facility Expansion, Supplies and Staffing	24,000
TOTAL	\$ 2,275,000

SUBJECT: PROPOSED LEASE AND LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM AND SPRINTCOM, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to authorize the City Manager to execute a ten-year Lease and License Agreement with SprintCom, Inc. The rental income for years one through five will be \$26,000 annually; and

To authorize changes to be made by the City Manager, provided such changes do not materially affect the intent and purpose of the Lease and License agreement was approved at 8:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PROPOSED LEASE AGREEMENT FOR POLICE SUBSTATION #3 AT THE SHOPPES OF LAKEWOOD - DURHAM SHOPPING CENTER, LLC

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a 60 month lease agreement with Durham Shopping Center, LLC for the rental of spaces 26-27, annual rent is \$44,000 for a total of \$220,000 for the term of the lease; and

To authorize the City Manager to execute a lease agreement and associated documents, if any and to make changes to the documents, provided such changes do not increase the rental rate or change the substance of the Lease Agreement attached to this agenda item was approved at 8:34 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACTOR SERVICES FOR SANDY CREEK TRAIL (PHASE 1) - CENTRAL BUILDERS, INC.

Council Member Cole-McFadden raised a concern about the contract urging staff to make sure it would be carried out.

MOTION by Council Member Cole-McFadden seconded by Council Member Clement to authorize the City Manager to enter into a contract with Central Builders, Inc. in the amount of \$489,856 plus contingency for a total of \$587,756 to provide General Contractor services for the Sandy Creek Trail (Phase 1); and

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To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar of the contract. These modifications must be consistent with the general intent of the existing version of the contract was approved at 8:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: RIGHT-OF-ENTRY AGREEMENT WITH DURHAM CENTRAL PARK, INC. TO CONSTRUCT NATURE TRAIL AND BUTTERFLY GARDEN IN DURHAM CENTRAL PARK

Council Member Edwards raised a concern about the impact the Butterfly Garden would have on the Museum of Life and Science noting she does not want this proposal to hinder the one at the Museum of Life and Science.

Betty Pittard, of Real Estate Department, noted this is going to be a small garden and should not have an impact.

MOTION by Council Member Edwards seconded by Council Member Stith to approve the use of the Right-of-Entry Agreement with Durham Central Park, Inc. for development activity in Durham Central Park, and to authorize the City Manager to make appropriate changes to the agreement which are consistent with the activity and with this memorandum agenda item; and

To authorize the City Manager to execute the Right-of-Entry Agreement with Durham Central Park, Inc. to construct a nature trail and butterfly garden on parcels on TM 60 Block 01 Lots 4 (partial), 9 (partial), and 12 to 14; and

To authorize the City Manager to execute future right of entry agreements with Durham Central Park, Inc. to construct future development projects in Durham Central Park, with the Manager providing Council with an annual status report was approved at 8:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LEASE AGREEMENT – DURHAM BASEBALL CLUB, LLC

To authorize the City Manager to execute lease agreement with the Durham Baseball Club, LLC; and authorize changes to be made by the City Manager, provided such changes do not materially affect the intent and purpose of the lease agreement.

Mayor Pro Tempore Cheek asked staff to follow-up on the limitation of uses and other activities continuing at the park.

Sharon Leisure, Interim Assistant City Manager, noted there would be limited uses, other activities will continue at the park, and the administration would have to make arrangements to cover the field in turf.

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Mayor Pro Tempore Cheek asked the administration if the City would break even due to maintenance and repairs.

Sharon Laisure, Interim Assistant City Manager, made comments about the past agreement and noted in the proposed agreement the Durham Baseball Club would be paying for the turf.

Mayor Pro Tempore Cheek raised a concern with the repairs, maintenance and upkeep concerning this item and asked the administration if the City would lose money.

Sharon Laisure, Interim Assistant City Manager, noted she was not sure that the City would break even and made comments about lease agreement noting the City would do better in the past because of the lease amount is greater and will be getting a greater percentage of concessions.

Mayor Bell asked staff if the City would break even and have the numbers been completed on this item.

Interim Assistant City Manager Laisure noted the City would not be making any money. Also, she noted they would be responsible for cleaning up after each game.

Johnny Ford, Parks & Recreation Director, noted the numbers have been completed and the City will lose approximately \$10,000 to \$15,000 but will report back with the figures.

Mayor Bell requested staff to provide how much will be subsidized for the ballpark.

City Manager Conner noted for clarification that the City is to provide information on the net revenue or net loss after expenditures for upkeep for the Durham Athletic Park.

Mayor Pro Tempore Cheek requested staff to provide this information at the May 9, 2002 Council Work Session. Also, he asked staff if the City has the right and the ability to use the Durham Athletic Park for various other activities during the baseball season.

Johnny Ford, Parks & Recreation Director, replied yes.

Council Member Cole-McFadden requested staff to provide the number of functions outside of baseball during the course of the year and who would pay the cost to cover the turf for other activities.

Pete Brock, President of Coastal Plain League, made comments about the lease for Durham Athletic Park facility highlighting the new lease will save the City more money than the existing one.

Council held discussion on the deadline for Coastal Plain League and the current and proposed replacement lease.

Pete Brock, President of Coastal Plain League, made comments about the installation of turf noting if the City does not approve replacement lease, the cost for the turf would revert back to the City.

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MOTION by Council Member Clement seconded by Council Member Cole-McFadden to defer this item until the May 20, 2002 City Council Meeting [staff to provide additional information at the May 9, 2002 Work Session] was approved at 8:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: 2002 LEGISLATIVE PROGRAM – SHORT SESSION

To approve the following City of Durham's Legislative Program for the 2002 short session of the General Assembly.

City Attorney Blinder reported on this item making comments about the program and noted the City Manager's Office will schedule a Legislative Breakfast with the legislative delegation.

Council Member Clement asked that the Home Rule be added to the legislative agenda. After discussion, he requested that this item be added to the long session agenda. Also, he requested that the automobile tax be added to section III. OTHER.

A motion was made by Council Member Clement seconded by Mayor Pro Tempore Cheek to approve the Legislative Program for the 2002 short session as amended to include the automobile tax.

City Manager Conner made comments about the issue of Home Rule noting the coalition is in the process of scheduling a meeting with the house and senate members to discuss the possibility of adding this issue to the local option menu bill.

City Attorney Blinder noted that the motion should reflect the adoption of the Resolution concerning Municipal Revenue Sources.

Also, City Manager Conner stated a request was made to authorize the Mayor to send a letter to the Governor.

Council Member Clement amended his motion to include the Resolution and letter.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to approve the City of Durham's Legislative Program for the 2002 short session of the General Assembly as amended [automobile tax included]; and

To adopt a Resolution Requesting that Municipal Revenue Sources Be Made Secure and to authorize the Mayor to send a letter to the Governor was approved at 9:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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2002 Legislative Program

I. Legislative Items Relating to Crime And Underlying Causes Of Crime

- 1) Amend State Law to Make it a Felony for an Adult to be Convicted of Repeated Serious Misdemeanors.
- 2) Resolution in Support of Consideration of More Rigorous Standards for the Pretrial Release of Criminal Suspects. **Resolution #8861**
- 3) Amend State Law to Reduce the Time Periods for Housing Code and Unsafe Building Cases.
- 4) Resolutions in Support of Items in the Legislative Program of the North Carolina League of Municipalities. **Resolution # 8862 - 8863**

II. General Law

- 5) Allow Additional Projects to be Funded from the Highway Trust Fund.

III. Other

Resolution in Support of House Bill 99 To Authorize Counties and Cities to Levy a Menu of Local Option Taxes and to Include Municipal Vehicle Tax. **Resolution #8864**

Resolution Requesting that Municipal Revenue Sources Be Made Secure. **Resolution #8865**

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: CURB, GUTTER AND PAVING ON WINDCREST ROAD FROM BARBEE ROAD TO WEST PROPERTY LINE OF TAX MAP 536-5-1 (MINI ASSESSMENT ROLL) - ELIZABETH CLANTON - 921 WINDCREST ROAD

Lee Murphy, of the Public Works Department, made comments about the improvement and noted staff recommends confirming assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to find that the property of Elizabeth Clanton, identified as 921 Windcrest Road, Lot 4, Tax Map 521-2-9, has benefited from the curb, gutter and paving improvement and to confirm the assessment in the amount of \$2,000.00 was approved at 9:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: SEWER MAIN ON EDENTON LANE FROM WOODBERRY ROAD TO
NEW BERN PLACE (MINI ASSESSMENT ROLL) - JOHN B. AND
SUSAN P. MODRAK - 4119 EDENTON LANE**

Lee Murphy, of the Public Works Department, made comments about the improvement and noted staff recommends confirming assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to find that the property of John B. and Susan P. Modrak, identified as 4119 Edenton Lane, Lot 4, Tax Map 469A-2-4, has benefited from the sewer main improvement and to confirm the assessment in the amount of \$4,230.00 was approved at 9:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: ORDERING IMPROVEMENTS - ENABLING ACT AUTHORITY -
CHALK LEVEL ROAD**

To adopt a resolution ordering Curb, Gutter and Paving, Water Main, and Water and Sewer Laterals on Chalk Level Road from east property line of Tax Map 298-1-5 to Shaftsbury Street.

Lee Murphy, of the Public Works Department, briefed Council on this item noting the public hearing was continued from April 1st Council Meeting. Also, he updated Council commenting on petitions filed in the past and the one filed by Ms. Elvira Collins for a portion of Chalk Level Road, noted there are no funds available for the improvement; however, funds are requested annually in the CIP, and outlined assessment rate if improvement is ordered.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Sandra Clark, of 1116 Chalk Level Road, urged Council to consider paving the entire Chalk Level Road.

Elvira Collins, of 907 Chalk Level Road, spoke in support of paving street.

Shelby Moorman, of 1110 Chalk Level Road, spoke in support of paving the entire street due to safety, quality of life and maintenance concerns.

Brad Thompson, of 3800 Townsend Street, spoke in favor of paving the remaining street due to condition and dust concerns.

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James Hamm, of 1006 Chalk Level Road, expressed health concerns due to dust urging Council to pave the remaining street.

Bob Novac, a resident of Durham, noted the full street [Chalk Level Road] should be paved.

Mayor Bell declared the public hearing closed.

Council Member Stith asked staff what would be required to pave the entire street.

Lee Murphy, of the Public Works Department, indicated staff could only deal with the item as printed on the agenda and could bring back with an item to consider the rest of the street going through the process.

Council Member Stith directed staff to include funding for improvement in the 2002-03 CIP and to begin the process for paving the remainder entire Chalk Level Road.

MOTION by Council Member Stith seconded by Council Member Clement to adopt a resolution ordering Curb, Gutter and Paving, Water Main, and Water and Sewer Laterals on Chalk Level Road from east property line of Tax Map 298-1-5 to Shaftsbury Street; and

To include funding for improvement in the 2002-03 CIP; and

To begin the process for paving Chalk Level Road in its entirety was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING PETITIONED IMPROVEMENT – HILLOCK PLACE

Lee Murphy, of the Public Works Department, made comments about the petition and noted staff recommends ordering the improvement.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Edwards to adopt a resolution ordering Sewer Main on Hillock Place from West Property Line of Tax Map 821-1-6 to North Property Line of Tax Map 821-1-7H was approved at 9:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING PETITIONED IMPROVEMENT – CLERMONT ROAD

Lee Murphy, of the Public Works Department, made comments about the petition and noted staff recommends ordering the improvement.

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As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Edwards to adopt a resolution ordering Sidewalk on Clermont Road (South Side) from Pelham Road to Grandale Drive was approved at 9:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: NORTHEAST DURHAM PLAN

To adopt the Northeast Durham Plan.

Laura Woods, of the Planning Department, briefed Council on the plan and noted staff recommends adopting it.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

John Parrish, of 2704 Burton Road, spoke in support of plan.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt the Northeast Durham Plan was approved at 9:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PLAN AMENDMENT A01-05 - TRIANGLE TOWNSHIP PLAN

To adopt a resolution to amend the Future Land Use Map of the Triangle Township Plan to identify as MIXED USE the recommended future use of parcel(s) 0747-02-89-4729, 0747-02-99-0676, 0748-04-90-1560, 0757-01-08-8763, 0757-01-09-7412, 0757-01-19-5321, 0757-01-18-9934, 0758-03-18-5057, 0758-03-18-2133, 0758-03-00-8224 and 0758-03-00-4396.

Frank Duke, Director of Planning, informed Council that staff has no evidence that the required notification of this hearing from the applicant to area residents was submitted. He urged Council to open and continue the public hearing to the May 20, 2002 City Council Meeting without further advertising.

Mayor Bell opened the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising to the May 20, 2002 City Council Meeting was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and

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Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PLAN AMENDMENT A01-08 - TRIANGLE TOWNSHIP PLAN

To adopt a resolution to amend the Future Land Use Map of the Triangle Township Plan to identify as MIXED USE the recommended future use of parcel(s) 0747-02-98-2390.

Frank Duke, Director of Planning, informed Council that staff has no evidence that the required notification of this hearing from the applicant to area residents was submitted. He urged Council to open and continue the public hearing to the May 20, 2002 City Council Meeting without further advertising.

Mayor Bell opened the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising to the May 20, 2002 City Council Meeting was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: PLAN AMENDMENT A01-16 – NORTH DURHAM PLAN

To adopt a resolution to amend the Future Land Use Map of the North Durham Plan to identify as MEDIUM DENSITY RESIDENTIAL the recommended future use of parcel 0832-08-99-4830.

Frank Duke, Director of Planning, informed Council that staff has no evidence that the required notification of this hearing from the applicant to area residents was submitted. He urged Council to open and continue the public hearing to the May 20, 2002 City Council Meeting without further advertising.

Mayor Bell opened the public hearing.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising to the May 20, 2002 City Council Meeting was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REZONING CASE: P01-41 - MILLRIDGE COMPANIES - 15.5 ACRES AT 1443 ELLIS ROAD

Applicant: Millridge Companies

Location: 15.5 acres at 1443 Ellis Road, PIN 0830-04-90-3187 (Tax Map 641-

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Request: Rezoning from R-20 (Residential 20 District) to RM 8(D) (Multifamily Residential District, maximum of 8 dwelling units per acre).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-8 (D).

Zoning Committee Recommendation and Vote: Denial – (6-0)

Planning Department's Recommendation: Approval

Note: Protest petition filed is valid.

Due to the valid protest petition, City Attorney Blinder stated six votes are required to pass this rezoning.

Dick Hails, of the Planning Department, briefed Council on the staff report noting proposal is consistent with South Central Durham Plan. He noted staff recommends approval and the Zoning Committee recommended denial due to impacts of surrounding area. Also, he noted the applicant requested a deferral for six weeks.

Council Member Clement asked what was the reason for the deferral.

Rick Prentis, representing the applicant, noted the applicant would need additional time to work with the contractor and the neighborhood to get a consensus.

Sally Humble, of Raleigh and representing Rigsbee Family, spoke in opposition to this project and deferral due to the applicant having two months to bring information to her mother [Ms. Rigsbee].

Discussion was held on staff involvement.

Council Member Cole-McFadden noted the site is difficult to build on due to the stream and would like to see more information.

Council Member Clement spoke in support of deferring this item to the June 17, 2002 City Council Meeting.

For clarification, Council Member Stith asked the developer if there is additional research needed on the development and communication with the family.

Rick Prentis, representing the applicant, stated the applicant is waiting for a response from the builder to see if they can accommodate the needs of the Rigsbee family.

Charles Hansen, of 1420 Ellis Road, made comments noting this rezoning has been changed from P01-82 to P01-41.

Discussion was held on the difference between two rezoning cases, the property owner [John Lofton] and layout of project to ensure safety of children.

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Rick Prentis, representing the applicant, commented on the safe guards for the project and noted safety would not be a major issue because there will not be that many children.

A motion was made by Council Member Clement to grant the applicant's request to defer this rezoning for six weeks. Motion dies for a lack of a second.

Mayor Bell opened the public hearing.

Proponent

Rick Prentis, representing the applicant, spoke in support of this rezoning noting plan meets all the requirements relative to topography of the land, has extensive buffer and is consistent with neighborhood. Also, he urged Council to approve rezoning.

Opponents

Kathleen Rigsbee, of 1431 Ellis Road, spoke in opposition to this rezoning expressing power line, topography, location and traffic concerns.

Sally Humble, of Raleigh and representing Rigsbee Family, spoke in opposition to this rezoning noting the family, her brother or sister-in-law are not interested in further negotiation with the applicant.

Mrs. Martin Rigsbee, of 1506 Ellis Road, noted she is opposed to the development of this land due to streams, high power lines, sewer, concerns for the children and it would diminish the quality of life.

Charles Hansen, of 1420 Ellis Road, spoke in opposition to this rezoning citing traffic concerns.

There was no rebuttal by Rick Prentis.

Mayor Bell declared the public hearing closed.

Council Member Best raised concern with the trips generated for proposed zoning and access points.

Mayor Pro Tempore Cheek asked staff if there is any other basis for staff's recommendation other than the adopted plan.

Dick Hails, of the Planning Department, noted staff also looks at traffic, school and environmental impacts, general compatibility and other elements that might not show up in the plan.

Council Member Cole-McFadden made comments about the slope.

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MOTION by Council Member Best seconded by Mayor Pro Tempore Cheek to extend the meeting beyond 10:00 p.m. was approved at 10:26 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Council Member Clement spoke in support of proposal.

MOTION by Council Member Stith seconded by Council Member Best to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-8 (D) **FAILED** at 10:29 p.m. by the following vote: Ayes: Council Member Clement. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Best, Cole-McFadden, Edwards and Stith. Absent: None.

SUBJECT: CASE: P01-68 – SALEH MOHAMMED

The applicant, Saleh Mohammed, has withdrawn the request.

SUBJECT: REZONING CASE: P01-71 - REVEILLE, LLC - 116.66 ACRES ON THE NORTHEAST CORNER OF THE I-40/NC 751 INTERCHANGE

Applicant: Reveille, LLC

Location: 116.66 acres on the northeast corner of the I-40/NC 751 interchange.

3 parcels including right of way for the Norfolk and Southern Railroad, PIN 0718-03-24-7506; 0718-01-35-8755; and 0718-03-34-9635 (Tax Map 503-01-001D, 1E and 2).

Request: Rezoning from GC(D) (General Commercial with Development Plan), OI-2(D) (General Office and Institutional District) & RM-8(D) (Multifamily Residential District) to GC(D), OI-2(D) & RM-8(D) & F/J-B & MTC (partial).

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC(D), OI-2(D) and RM-8(D) and placing same in and establishing same as GC(D), OI-2(D) & RM-8(D) and F/J-B & MTC (partial).

Zoning Committee Recommendation and Vote: Denial – (6-1)

Planning Department Recommendation: Approval

Note: This item was continued from the April 15, 2002 City Council Meeting.

Dick Hails, of the Planning Department, briefed Council on the staff report commenting on the rearranging of uses and noted there are no greater impacts on traffic and schools. Also, he noted Council was provided with a revised development plan indicating that the applicant is restricting permitted uses within general commercial district of the project to 14 specific uses.

Council Member Clement asked the applicant if the educational facility is a part of this proposal.

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Attorney Kenneth Spaulding noted the training facility is noted as a committed element on page 3 of the development plan.

Council Member Cole-McFadden asked the developer at what point would the construction of the training facility be phased into the total project.

Attorney Kenneth Spaulding noted the applicant made it more flexible so that it would be phased in once the dealerships are there which would be a part of the first phase.

Mayor Bell opened the public hearing.

Proponent

Attorney Kenneth Spaulding, representing the developer, spoke in support of this item commenting on the uses [residential, office, hotel, commercial] and noted project complies with the small area plan. Also, he noted that the realignment moves the general commercial dealerships closer to NC 751 and away from the Army Corps of Engineers' property and urged Council to support realignment.

Opponents

Heather Payne, of 3510 Meadowrun Drive, spoke in opposition to this rezoning raising a concern with plan relative to auto park, removes a village center and runabout, increase in hotel rooms and traffic. Also, she urged Council to not support this plan but to go with the original one.

Tom Brylawski, representing Tudor Place Neighborhood, spoke in opposition to this proposal expressing buffer and stream concerns. Also, he noted he supports the old plan.

Proponent

Ahmad Zarea, of 410 Intern Way, spoke in support of this rezoning for an auto park.

Rebuttal

Attorney Kenneth Spaulding noted this is going to be a top auto park and mixed used plan. Also, he commented on the development plan highlighting training facility.

George Stanziale, representing the applicant, spoke about the Capitol Boulevard issue, noted traffic is the same in the proposed and current zoning and commented on the buffer issue noting the site is well buffered and there is significant buffer along property lines.

Mayor Bell declared the public hearing closed.

Council Member Edwards asked the developer about the timeframe for the hotel.

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George Stanziale, representing the developer, stated he could not answer this question noting the market is not there for hotels at this point but the use is a good use adjacent to this type of development.

David Johnson, developer, noted that he would like to bring something new to Durham.

Council Member Edwards noted she was opposed to the old project but spoke in support of this plan.

Relative to comments made by George Stanziale relative to traffic, Planning Director Frank Duke noted for clarification on page 7 of the staff report that there is an additional 600 trips per day as a result of the proposed rezoning which is a four percent increase.

Council Member Stith raised a concern about enforcing restrictions and committed elements outlined on development plan.

Dick Hails, of the Planning Department, noted if an element is committed on the development plan, it has to be done.

Mayor Pro Tempore Cheek asked the developer when would the roadway improvements be completed.

A representative of Kimley Horn noted that they will work with the Transportation Department and each improvement would have to be completed in order to obtain the certificate of occupancy.

Mayor Pro Tempore Cheek stated he would like the roadway improvements completed in a timely manner.

Council Member Best spoke in support of rezoning.

Council Member Cole-McFadden asked staff if run-off concerns have been addressed.

Dick Hails, of the Planning Department, indicated there are more ponds on the proposed plan that has been reviewed favorably by the staff.

Attorney Kenneth Spaulding noted the wetland ponds are larger.

Council held discussion on the permitted uses on existing approved plan.

Mayor Bell spoke in support of plan.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of GC(D), OI-2(D) and RM-8(D) and placing same in and establishing same as GC(D), OI-2(D) & RM-8(D) and F/J-B & MTC (partial) was approved at 11:07 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: CASE: P02-9- INITIAL ZONING OF NEWLY ANNEXED TERRITORY –
TEMPLE BAPTIST CHURCH, INC. CITY OF DURHAM - 8.64 ACRES
AT THE SOUTHEAST CORNER OF STERLING DRIVE AND UMSTEAD
ROAD, JUST OFF GUESS ROAD**

Initiated by: City of Durham

Location: 8.64 acres at the southeast corner of Sterling Drive and Umstead Road, just off Guess Road, PIN 0814-01-36-8227; 0814-35-8841 (Tax Map: 809-2-1; -2)

Request: RD (Rural District) No change in existing zoning classification is proposed, existing zoning is RD (Rural District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD zoning for the above described newly annexed territory.

Planning Department's Recommendation: Approval

Dick Hails, of the Planning Department, briefed Council on the staff report noting there are no proposed land use changes.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish RD zoning for the above described newly annexed territory was approved at 11:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CASE: P02-10 - INITIAL ZONING OF NEWLY ANNEXED TERRITORY
– CIMLAND, LLC - CITY OF DURHAM - 12.8 ACRES ON CAMBERLY
DRIVE AND DAVIE ROAD, WEST OF GLENN ROAD**

Initiated by: City of Durham

Location: 12.8 acres on Camberly Drive and Davie Road, West of Glenn Road, PIN 0843-03-44-9592; -9456; -9400; -8361; -9225; 0843-04-54-3990; -1882; -5713; -4629; -0528; -2405; -4356; -1737; -0654; -1460; -5950; -0790; -2568; -5241; -0277; -0843 (Tax Map: 686-2-1C; -1D; -1E; 1F; -1G; -1H; -1I; -1J; -1K; -1L; -1M; -1N; -1O; -1P; -1Q; -1R; -1S; -1T; -1U; -1V; -1W)

Request: PDR 1.56 (Planned Density Residential-1.56 units/acre) No change in existing zoning classification is proposed, existing zoning is PDR-1.56

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR-1.56 zoning for the above described newly annexed territory.

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Planning Department's Recommendation: Approval

Dick Hails, of the Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, to establish PDR-1.56 zoning for the above described newly annexed territory was approved at 11:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: REZONING CASE: P02-12 - NINTH STREET ACTIVE FEET - : 0.401-ACRE SITE AT 725 IREDELL STREET

Applicant: Ninth Street Active Feet

Location: 0.401-acre site at 725 Iredell Street, PIN 0822-18-32-3316 (Tax Map 13, Block 2, parcels 14)

Request: Rezoning from CT (Commercial Trades District) to GC (General Commercial)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of CT and placing same in and establishing same as GC.

Zoning Committee Recommendation and Vote: Approval – (6-0)

Planning Department's Recommendation: Approval

Dick Hails, of the Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Will Anderson, representing applicant, spoke in support of this rezoning noting the applicant would renovate building including the façade and roof. Also, he noted the new parking lot and landscaping would both enhance the appearance of site. Further, he requested Council to approve this rezoning.

No one spoke in opposition to this rezoning.

Mayor Bell declared the public hearing closed.

MOTION Council Member Stith seconded by Council Member Edwards to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking

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the above described property out of CT and placing same in and establishing same as GC was approved at 11:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: INTERNAL AUDIT FUNCTION

To receive a presentation on the recommendations for the Internal Audit Department's redesign and strategic plan.

Mayor Bell requested an alternate City Council Member be added to Audit Services Oversight Committee listed in the By-Laws under Article III - Membership, Section 1.

Council Member Stith noted for clarification that the membership should include the Mayor as one of the two members from the City Council.

Relative to the Resolution, Council Member Clement raised a concern about the Audit Services Oversight Committee serving as advisory committee to City Manager.

City Attorney Blinder explained why the advisory language is used in by-laws briefing Council on the City Charter.

Council Member Clement asked if he could serve as a member of the Audit Services Oversight Committee.

Mayor Bell noted the membership will be discussed at the May 9, 2002 Council Work Session.

MOTION by Council Member Clement seconded by Council Member Edwards to receive a presentation on the recommendations for the Internal Audit Department's redesign and strategic plan; and

To adopt a Resolution Authorizing the Establishment of the Audit Services Oversight Committee; and

To adopt the By-Laws of the Audit Services Oversight Committee as amended [membership shall include the Mayor, Council Member, City Manager, two individuals from the business community and an Alternate Council Member] was approved at 11:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8860

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City of Durham
AUDIT SERVICES OVERSIGHT COMMITTEE
Durham, North Carolina

By-Laws

Article I

Section 1. The name of this organization shall be “Audit Services Oversight Committee” (hereafter referred to as ASOC).

Article II
Purpose

Section 1. This committee has been established as an advisory committee to the Department of Audit Services and to the City Manager.

The functions of the Audit Services Oversight Committee shall be:

- (a) To provide oversight responsibilities of the audit function;
- (b) To serve in an advisory capacity to the City Manager;
- (c) To facilitate communications among the Council, City Manager, and Director of Audit Services;
- (d) To ensure internal controls are in place and implemented;
- (e) To ensure City management implements report recommendations;
- (f) To review annual audit plan and make recommendation to City Council for approval;
- (g) To review audit budget and make recommendation to Council for approval;
- (h) To make recommendations for the selection of the external auditor; and
- (i) To review the City’s CAFR, management letter and management’s response.

Article III Membership

- Section 1.** The City Council of Durham shall appoint five (5) members and an alternate to the ASOC. The ASOC will consist of the Mayor, a City Council Member, the City Manager, and two (2) members from the business community. The members from the business community will be appointed by the City Council, and will include a certified public accountant.
- Section 2.** Members from the business community shall be appointed for a term of four years. The terms of the City Council Members shall be consistent with their terms of election. The term of the City Manager shall be consistent with their term of employment.

Article IV Officers

- Section 1.** *Enumeration of Officers.* The officers of the ASOC shall be a Chairman, Vice-Chairman, and Secretary. They shall do the customary work of such officers and shall be unpaid.
- Section 2.** *Election of Officers and Term of Office.* The Chairman, Vice-Chairman and Secretary shall be elected at the annual meeting, take office immediately and serve until the next annual meeting. No Chairman or Vice-Chairman or Secretary shall serve more than two (2) consecutive terms in the same office. The initial slate of officers will be selected by the committee.
- Section 3.** Vacancies among the officers may be filled through action taken by the ASOC.

Article V Committees

- Section 1.** The full ASOC will elect, by April 1 of each year, a Nominating Committee composed of not less than three (3) members. The Nominating Committee will prepare a slate of nominees for offices of the ASOC and will make its report to the ASOC at the Annual Meeting.

Article VI Resignations

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Section 1: In the event that a member chooses to resign from the Committee, such member should notify the Chairman, in writing. The Chairman will then immediately notify the Committee of any such resignations.

Article VII Attendance

Section 1. If a member of the Audit Services Oversight Committee will be unable to attend a regularly scheduled meeting of the Committee, the member shall notify the Secretary prior to the time of the meeting. The ASOC Secretary shall then record such absences as excused.

Section 2. If a member has two (2) consecutive unexcused absences from regularly scheduled meeting of the ASOC, the Secretary shall notify the ASOC Chairman of this. The ASOC Chairman shall then call the absences to the member's attention and encourage said member to actively participate on the ASOC. If the member has two more consecutive unexcused absences after the above, the ASOC Chairman shall notify the prospective Clerk of the member's lack of attendance at ASOC meetings, so that the City Council may take whatever action it deems appropriate.

Section 3. If a member is absent from more than one-third (1/3) of the regularly scheduled meetings in a given year, it shall be the policy of the City Council to remove that appointee, in the absence of showing good cause, and to make another appointment.

Article VIII Quorum

Section 1. Three (3) members of the ASOC shall constitute a quorum.

Article IX Meetings

Section 1. At a minimum, the ASOC will meet on a quarterly basis. All meetings will be open to the public, in accordance with N.C.G.S. 143-318.10.

Section 2: The ASOC Secretary will keep minutes of each meeting and offer them for Committee approval as the first item on the subsequent meeting agenda. Whenever possible, such minutes will be distributed to Committee members in draft form within a reasonable time after the meeting and in advance of the subsequent meeting. A copy of the approved minutes will be submitted to the Audit Services Department.

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Section 3. *Annual Meeting.* There shall be an annual meeting of the ASOC during June at the time and place to be determined by the Committee.

Section 4. *Regular Meeting.* Regular meeting dates shall be determined at the initial annual meeting of the committee. All members will receive five days written notice of any cancellations or changes in the usual meeting time or place which may be necessary.

Section 5. *Special Meeting.* A special meeting of the ASOC may be called by the Chairman, or Vice-Chairman in the absence of the Chairman, or by a written request to the Secretary by two (2) members of the ASOC. Five (5) days written notice of all special meetings shall be given to the members. Such notice shall state the time, place, and purpose of the meeting.

Article X Elections

Section 1. A Chairman, Vice Chairman, and Secretary shall be elected at the annual meeting.

Section 2. *Method of Election.* The full ASOC membership, by April of each year, shall appoint a Nominating Committee composed of not less than three (3) members. Elections shall be by ballot, provided that when there is but one nominee of any office, the Secretary may be instructed to cast a ballot for each nominee. A majority vote of those voting shall constitute an election.

Article XI Amendments

Section 1. These By-Laws may be amended by a two-third (2/3) vote of the voting members present and voting at the annual meeting, or a special meeting called for the purpose, provided the amendments shall have been submitted to the membership in writing at least two (2) weeks in advance of the meeting.

Section 2. These bylaws are subject to change by the Committee, with subsequent approval by the Department.

[ITEM ADDED TO AGENDA]

**SUBJECT: FTZ SUBZONE APPLICATION FOR GENERAL ELECTRIC AIRCRAFT
 ENGINES – RESEARCH TRIANGLE PARK**

May 6, 2002

Council Member Stith made comments on this item noting that Triangle J Council of Governments requested cities and counties to adopt a resolution and to send a letter from the Mayor in support of free trade zone.

MOTION by Council Member Stith seconded by Council Member Best to adopt a Resolution Endorsing a FTZ Subzone Application for “General Electric Aircraft Engines” Located in the Research Triangle Park, North Carolina was approved at 11:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8866

Council Member Clement asked if the issue of the stop light at the intersection of Alston Ave/Riddle Road would be discussed tonight.

The Mayor indicated that this item would be discussed at the May 9th Work Session.

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to go into a closed session to discuss attorney-client consultation regarding the case of the City of Durham v. Shree Jee Corporation, et al pursuant to G. S. 143-318.11(a)(3) was approved at 11:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

The City Council returned to open session at 11:45 p.m. and no action was taken.

There being no further business to come before the City Council, the meeting was adjourned at 11:45 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk